

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW MORRIS,

Plaintiff,

v.

BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY, et
al.,

Defendants.

Case No. [23-cv-04562-HSG](#)

**ORDER REMANDING CASE TO
STATE COURT**

As the Court described in its Order to Show Cause, Plaintiff's second amended complaint brings state law claims against state defendants. *See* Dkt. Nos. 48 (OSC), 46 (SAC). While Defendants argue that the Court should exercise supplemental jurisdiction over Plaintiff's claims, Dkt. No. 49, the Court declines to do so under 28 U.S.C. 1367(c)(3), which permits a court in its discretion to decline supplemental jurisdiction where, as here, "the district court has dismissed all claims over which it has original jurisdiction."

The Court recognizes that these Defendants were not the ones who chose to remove this case. Nonetheless, this is the usual circumstance in which the appropriate course is to have what remains of the case—solely California state law claims—resolved by a California state court. *See Sanford v. MemberWorks, Inc.*, 625 F.3d 550, 561 (9th Cir. 2010). And since Defendants have not yet filed a motion to dismiss Plaintiff's second amended complaint, they will not be prejudiced in fashioning their response as a state court demurrer.

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Accordingly, the Court **REMANDS** the case to the Superior Court of California, County of Alameda, and directs the Clerk to close the file.

IT IS SO ORDERED.

Dated: May 28, 2024


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California